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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,054	09/29/2000	Krishna Kishore Dhara	Dhara 3-3-2	1689

26291 7590 02/03/2004

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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,054

Applicant(s)

DHARA ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the application filed 9/29/00.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 3-4, 6, and 15 are objected to because of the following informalities:

Claim 3, "voice traffic" seems to refer back to "voice traffic" in line 6 of claim 1.

If this is true, it is suggested to change "voice traffic" to ---said voice traffic---.

Claim 6, "signaling traffic" seems to refer back to "signaling traffic" in line 6 of claim 1. If this is true, it is suggested to change "signaling traffic" to ---said signaling traffic---.

Claim 15, "said voice traffic" seems to refer back to "voice" in line 1 of claim 14.

If this is true, it is suggested to change "voice" in claim 14 to ---voice traffic---.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 10-18, and 22-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said wireless network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said called party" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said wireless network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim 18 recites the limitation "said voice traffic" in line 1 and "said signaling traffic" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "said memory device" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 22 should depend on claim 21.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 5-6, 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabkel et al (6,584,184).

Regarding claims 1-3, 10, and 13-14, Nabkel discloses an apparatus for providing bifurcated voice and signaling data over a network comprising a memory for storing protocols for interfacing with the network and a processor for segregating signaling

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traffic and related voice traffic including information useful in establishing a communication link for transporting the voice traffic between a calling party and a called party, and for transmitting the voice traffic and signaling traffic via different communication channels, wherein one of the communication channels is a data packet network and wherein voice traffic is carried by the data packet network (see signaling channel and voice channel in figure 2; col. 6, lines 36-58; col. 7, lines 6-24).

Regarding claims 5-6 and 11-12, Nabkel discloses a wireless network where signaling traffic can be carried (see col. 6, lines 41-48).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel et al (6,584,184) in view of La Medica Jr. et al (6,625,451).

Regarding claims 4 and 15, Nabkel does not disclose compression. However, La Medica discloses compression comparable with a wireless network (see col. 12, lines 42-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to compress data comparable with a wireless network as taught by La Medica in the system of Nabkel so that the data can be transported over the wireless network.

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8. Claims 7-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel et al (6,584,184) in view of La Medica Jr. et al (6,625,451).

Regarding claims 7-8 and 16-17, Nabkel does not specifically disclose the MTA-CT having integrated MTA and CT portions or having non-integrated MTA and CT portions. However, to have MTA and CT integrated or not is a matter of design choice because both integrated and non-integrated have an advantage and a disadvantage. For example, integration of MTA and CT will reduce the total cost and space but it may be harder to upgrade. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have integrated MTA and CT portions and non-integrated MTA and CT portions to meet specific needs.

Allowable Subject Matter

9. Claims 19-21 and 24 are allowed.

10. Claims 9 and 18 would be allowable if rewritten to overcome the objection(s) and/or the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hickey et al (6,643,356) and Dailey (6,466,651).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Brian Nguyen
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1/27/04